

NEVADA ENVIRONMENTAL COMMISSION

STATE FISCAL YEAR 1994

JULY 1, 1993 TO JUNE 30, 1994

QUARTERLY REPORTS

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF JULY through SEPTEMBER 1993
1ST QUARTER SFY 1994

The Environmental Commission held one meeting during the 1st quarter, with one regular hearings held in Reno during the period,. Below is summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th) quarter of state fiscal year 1994.

State Environmental Commission	1st	2nd	3rd	4th	Total
Number of public hearings	1	0	0	0	1
Number of appeal hearings	0	0	0	0	0
Number of regulations adopted	13	0	0	0	13
Number of ratification	8	0	0	0	8

The petition numbering and tracking system continued to be implemented during this quarter. All permanent petitions were filed with the Legislative Counsel Bureau for review and codification on October 1, 1993.

Commission Hearings

The full Commission met in Reno, Nevada on September 22, 1993 to adopt twelve temporary petitions as permanent regulations. Petitions 9300A, 9300B, 93001, 93002, 93003, 93004, 93005, 93006, 93007, 93008, 93009, and 93010 were readopted.

In addition petition 94001, a new permanent petition was adopted. This petition amended the dates established in petition 93008, the solid waste regulations.

Summary of Adopted Regulations

1. Petition 9300A (R-042-93) permanently adopts changes in NAC 445 governing fees for general wastewater discharge permits.
2. Petition 9300B (R-043-93) permanently repeals NAC 444.657 and 444.6575 for fees relating to disposal of out of state solid waste in Nevada.
3. Petition 93001 (R-044-93) makes permanent changes to the visible emission standard for coal fired steam generating facilities with a heat input of more than 7936 million BTU's per hour which existed prior to 1972. The regulation (NAC 445.724) modifies Southern California Edison's Mohave Generating Station air quality opacity.

4. Petition 93002 (R-045-93) permanently amends chapter 444 of the NAC to add a section requiring generators of greater than 100 kilograms of hazardous waste per calendar month, who accumulate hazardous waste on site, to comply with provisions of 40 CFR.
5. Petition 93003 (R-046-93) permanently amends chapter 444 of the NAC to correct possible conflicts, inconsistencies and exempts from adoption those federal regulations which are not delegated to the state for management of hazardous waste.
6. Petition 93004 - Permanently amends Section 445.717 of the NAC to remove the list of criteria pollutants from the list of toxic or hazardous air contaminants. The amendment reflects the current title of the toxic publication.
7. Petition 93005 - Permanently amends NAC 445 to update the water quality standards for the Truckee River. Section 2 to 9 are being provided, since Section 1 of this petition is being submitted as a permanent regulation. Affected is NAC 445.124 and NAC 445.134625 to 445.13471.
8. Petition 93006 - Permanently amends NAC 459.9718 to exempt public utilities from the requirements of the Consultant Certification program in instances where they are responding to incidents at the request of a public entity or in providing utility service to their customers.
9. Petition 93007 - Permanently amends NAC 445.240 to change the reporting requirements concerning the release of hazardous waste, pollutants, contaminants or petroleum. The changes relate to individuals other than owners/operators to report releases, update reporting phone numbers, clarify proper entities to report spills, and modify criteria for soil contaminated with petroleum compounds.
10. Petition 93008 - Permanently amends NAC 444 by adoption of the federal landfill criteria and language, establishing a landfill permitting program for solid waste and other technical amendments. This petition implements the changes in the solid waste statutes as approved by Senate Bill 97 of the 1993 legislative session.
11. Petition 93009 - Permanently amends NAC 445.6605 of the air quality regulations to adopt by reference Title 40 CFR Part 60, New Source Performance Standards and Part 61, National Emission Standards. The amendment adds standards for small industrial-commercial-institutional steam generating units, municipal waste combustors, VOC emissions from polymer manufacturing, VOC emissions from synthetic organic chemical manufacturing, standards for calciners and dryers in the mineral industry, and benzene emissions from transfer and waste operations. The cost of related federal publications are made current by this amendment.

12. Petition 93010 - Permanently amends NAC 445.988, the Environmental Commission's rules of practice to reflect the statutory authority of the commission to conduct hearings and other technical corrections. The amendment includes by reference NRS 223B, 278, 444A, 459, 486A, and 519A. In addition the regulation exempts the Commission from conducting hearings in those areas of the statutes or administrative code where the Division of Environmental Protection has been granted authority to conduct hearings.

13. Petition 94001- Permanently amends NAC 444, the states solid waste regulations regarding landfill criteria and language establishing a landfill permitting program. This petition extends the deadlines established pursuant to petition 93008. This new petition is based upon changes in federal regulations.

Settlement Ratification

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1.#1031 - 1034	All-Lite Aggregate	\$12,500	Storey
2. #1028	Coastal Chem Inc.	1,500	Lander
3. #1025	Continental Lime Inc.	500	Elko
4. #1040	Granite Construction Co.	3,500	Humboldt
5. #1037	Nye Regional Medical Center	1,500	Nye
6.#1043 & 1044	Ramco Inc.	875	Mineral
7. #1036	West America Membranes	1,000	Lyon
8. #1048-1050 1054-1056	Tibbals Construction	6,125	Lyon
Totals		\$27,500	

QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF OCTOBER through DECEMBER 1993
2ND QUARTER SFY 1994

The Environmental Commission held two regulatory hearings during the 2nd quarter, with both hearings conducted in Las Vegas during the period. In addition an appeal panel of the Commission held five days of hearings for the Triton appeal. Below is summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th) quarter of state fiscal year 1994.

State Environmental Commission	1st	2nd	3rd	4th	Total
Number of public hearings	1	2	0	0	3
Number of appeal hearings	0	1	0	0	1
Number of regulations adopted	13	2	0	0	15
Number of ratification	8	2	0	0	10

The petition numbering and tracking system continued to be implemented during this quarter. All permanent petitions were filed with the Legislative Counsel Bureau for review and codification on October 1, 1993. These petitions were subsequently filed with the Secretary of State on October 29, 1993 (9300A,9300B, 93001, 93002, 93003, 93004, 93005, 93006, 93007, 93009, and 93010, and November 8, 1993 (93008).

Commission Hearings

The full Commission met in Las Vegas on November 3 and November 4 to adopt two petitions. On November 3, 1993 the Commission adopted petition 94002, Title V of the Clean Air Act operating permit program. On November 4, 1993 the Commission adopted petition 94003, the enhanced Vehicle Inspection and Maintenance Program.

Summary of Adopted Regulations

1. Petition 94002 by the Nevada Division of Environmental Protection permanently amended NAC 445.438 through 445.8435. This pertains to the air quality operating permit program and the regulations for hazardous air pollutants. The amendments to updated the existing regulations and fulfilled the requirements of the Title V of the Clean Air Act and Title 40 C.F.R. Part 70, Operating Permit Program. The amendments included the establishment of emission based fees, enhanced application requirements, the repeal of toxic pollutants standards and the corollary inclusion of Title III Hazardous air pollutants.

2. Petition 94003 by the Nevada Division of Environmental Protection permanently amended NAC 445 by adding a new section establishing a decentralized program for the inspection and maintenance of motor vehicles in an enhanced mode in the Las Vegas Valley. This regulation fulfills the requirements of the Clean Air Act as amended in 1990 and establishes a program which replaces the existing program for inspection of emissions from motor vehicles.

Appeal Hearings

An appeal panel of the Environmental Commission (Fields, Ober and Wright) initiated hearings in regards to Triton Air Holdings in Las Vegas beginning on November 18 and 19, 1993. This hearing was continued to December 15, 16 and 17, 1993 in Las Vegas for a total of 5 days. This appeal is in abeyance pending settlement negotiations between the Division and Triton are completed. Below is a description of the hearing.

The Division alleges that Aero Services International, Inc. representative of Triton Air Holdings has refused to conduct a site assessment and remediation of petroleum contamination which has impacted the soil and groundwater. The Triton Air Holdings Inc. facility is a former Texaco fuel farm located on Haven street, just south of the north gate of the Hughes Executive Terminal in Las Vegas, Nevada. The Division alleges Triton Air Holdings Inc. has violated Nevada Revised Statutes 445.221 (Injection of fluid through well or discharge of pollutant with permit prohibited) and Nevada Administrative Code 459.993 (Compliance with Federal regulations).

Settlement Ratification

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1. #1062	Nevada Goldfields	\$1,000	Mineral
2. #1059	Sierra Pacific Power Co.	6,000	Humboldt
Totals		\$7,000	

QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF January through March 1994
3rd QUARTER SFY 1994

The Environmental Commission held one regulatory hearings during the 3rd quarter, with the hearing conducted in Las Vegas during the period. Below is summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th) quarter of state fiscal year 1994.

State Environmental Commission	1st	2nd	3rd	4th	Total
Number of public hearings	1	2	2	0	5
Number of appeal hearings	0	1	0	0	1
Number of regulations adopted	13	2	5	0	20
Number of ratification	8	2	6	0	16

Commission Hearings

The full Commission met in Las Vegas on January 20, 1994 to adopt four petitions (94004, 94005, 94006, 94007) and ratify six (6) air quality settlements. This was the first hearing for the new commissioner Joesph Tangredi, who replaced commissioner Fred Wright. The full Commission met in Reno on March 3, 1994 and adopted one petition (94008). There were no air quality settlements at this hearing.

Summary of Adopted Regulations

1. Petition 94004 (R-173-93) permanently amended NAC 444.842 to 444.960. The amendments modify NAC 444.8632 to adopt by reference 40 CFR Part 2, Subpart A, Part 124, Subparts A and B, Parts 260 to 270, inclusive, and Part 279 as those parts existed on July 1, 1993 and to reflect the current costs for purchasing those parts of the federal regulations. Part 279 contains the new federal used oil management regulations. This petition added new state regulations that would restrict the mixing of used oil with other products and wastes.
2. Petition 94005 (R-174-93) permanently amended NAC 444.842 to 444.846. The petition added new sections defining hazardous waste recycling facilities and mobile recycling units. The petition expanded the definition of management of hazardous waste; and it exempts generator owned recycling units from written determinations. The proposed amendment requires mobile recycling operators to have written determinations, and it provides for a mobile recycling fee schedule.

3. Petition 94006 (R-208-93) is a permanent amendment to solid waste regulations previously adopted by the Environmental Commission on September 22, 1993. The petition makes technical corrections and other minor amendments to LCB File No. R-051-93 (NAC 444.570 to 444.748). Sections amended include; 39, 43, 54, 63, 69, 70, 85, 86, 87, 86.5, 87, 94, 96, 112, 116, 134.5. The major amendments includes the clarification of environmental health risk guidelines, requirements for final cover notice for closed Class II and Class I facilities, and new class II facility groundwater monitoring requirements.
4. Petition 94007 (R-213-93) permanently amended NAC 445.1835(3) by increasing the sewage treatment plant operator certification fees 20 to 25 dollars for initial and reciprocity applications and by including additional fees for related certification documents, such as duplicate certificates, late fee and returned check. The additional fees range from 20 to 30 dollars. The petition repealed the provisional certification fee.
5. Petition 94008 (LCB R-015-94) permanently amended NAC 445.430 to 445.846 inclusive and regulations previously adopted by the Environmental Commission on November 3, 1993. The amendments addressed deficiencies in the air quality regulations concerning the review of new sources of air pollution in nonattainment areas and to incorporate comments received from the U.S. EPA concerning Nevada's newly adopted integrated New Source Review/Title V Operating Permit Program. Sections 16, 21, 31, 32, 33, 39, 42, 43, 44, 45, 46, 47, 49, 71, 73, 75, 76, of petition 94002 (LCB file R-138-93) were amended by this petition. Section 56 of R-138-93 was repealed. The petition added new definitions, clarified the public noticing process and created the provision for shielding of applicants from the failure of the Division of Environmental Protection to act during the permitting process.

Appeal Hearings

No appeal hearings were held during this quarter. The Triton settlement is still pending. One hearing for Moltan Co., a air quality related petition, was received for scheduling during the next quarter.

Settlement Ratification

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1. #1065	A&K Earth Movers Inc.	\$1,000	Churchill
2. #1066	T.E. Bertagnolli & Assoc.	2,500	Storey
3. #1064	Pacific Coast Building Products (Basalite)	1,000	Lyon
4. #1068	Bob's Texaco	2,500	Carson City
5. #1071	Western States Gypsum	0	Lyon
6. #1063	Concrete Products Co.	1,500	Elko
Totals		\$8,500	

QUARTERLY REPORT
NEVADA ENVIRONMENTAL COMMISSION
PERIOD OF April through June 1994
4th QUARTER SFY 1994

The Environmental Commission held one regulatory hearing during the 4th quarter, with the hearing conducted in Las Vegas during the period. Below is summary of performance measures output for the Commission during the quarter and year to date (1st, 2nd, 3rd, 4th) quarter of state fiscal year 1994.

State Environmental Commission	1st	2nd	3rd	4th	Total
Number of public hearings	1	2	2	1	6
Number of appeal hearings	0	1	0	0	1
Number of regulations adopted	13	2	5	4	24
Number of ratification	8	2	6	1	17

Commission Hearings

The full Commission met in Las Vegas on May 26, 1994 to adopt four petitions (94009, 94010, 94011, 94012) and ratify one (1) air quality settlement.

Summary of Adopted Regulations

- A. Petition 94009 (R-060-94) amended the Nevada Administrative Code (NAC) 445.1353, water quality standards for Lake Mead from the western boundary of the Las Vegas Marina Campground to the confluence of Las Vegas Wash. The revision affected the 4-day average concentration water quality standard for unionized ammonia from 0.04 mg/l to 0.05 mg/l.
- B. Petition 94010 (R-059-94) amended NAC 445.1339, standards for toxic materials applicable to designated waters. The revision was for the aquatic life standards for selected metals based upon U.S. EPA'S interpretation and implementation policy.
- C. Petition 94011 (R-062-94) amended NAC 445.7135, air quality operating permit fees. The fee structure was revised to establish the fees based on emissions and an annual fee for services and maintenance. This petition amended LCB file R-138-94 as adopted by the Environmental Commission on November 3, 1993.

- D. Petition 94012 (R-063-94) amended NAC 445. and LCB file R-147-93, as adopted by the Environmental Commission on November 4, 1993. This petition modified the enhanced vehicle emission inspection and maintenance program. The amendments deleted the biennial provision of the adopted program for 1968-1985 vehicles and places them in an upgraded version of the currently operating vehicle emissions control program. The amendment also establishes a schedule for testing the vehicle fleet affected by the program. 1986 and newer vehicles will remain in the biennial program as adopted on November 4, 1993. A phase-in set of emission standards from 1995 to 1997 was established for carbon monoxide, hydrocarbons and nitrogen oxides.

Appeal Hearings

No appeal hearings were held during this quarter. The Triton settlement is still pending. One hearing for Moltan Co., a air quality related petition, was received for scheduling during the next quarter. This requested hearing was later withdrawn, since Moltan settled with the Division of Environmental Protection. Two other appeal requests were received; Mr. John Christensen of VJ Environmental filed a request for hearing regarding the consultant certification program. This appeal was received on June 29, 1994, and the request for hearing on June 30, 1994 withdrawn by Mr. Christensen. The other request received during the quarter was from Nevada Wood Preserving, who requested an appeal in regards to various hazardous waste violations. This request was received on June 3-, 1994, and the appellant on June 30, 1994 clarified the intent to preserve their right to appeal pending the outcome of negotiations with the Division of Environmental Protection.

Settlement Ratification

MAJOR FINES NOAV #	COMPANY	AMOUNT \$	COUNTY
1. #1022	Iron Mountain Acquisition, Inc.	\$0	Carson City
Totals		\$0	